

This Page Is Inserted by IFW Operations  
and is not a part of the Official Record

## BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):



- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning documents *will not* correct images,  
please do not report the images to the  
Image Problem Mailbox.**



~~STATS AND ENTITY  
BRANCH~~ OFFICE OF FINANCE  
~~REFUND BRANCH~~

DEF  $\geq$  RLF

Room 307

MS 16  
PATENT  
0760-0294P

2004 APR 197 PM 3:48 2004 MAR 21 PM 1:35

IN THE U. S. PATENT AND TRADEMARK OFFICE  
U.S. PATENT & TRADEMARK OFFICE

Applicant: Keizaburo MIKI et al.

Appl. No.: 09/914,190 Group: 1632

Filed: March 20, 2002 Examiner: V. E. PERETZ

**For:** TRANSGENIC MOLLUSK AND METHOD FOR  
PRODUCING THE SAME

**ATTENTION:** Refund Section  
Accounting Division  
**OFFICE OF FINANCE**

**REQUEST FOR A REBUND**

REQUEST FOR A REFUND  
(Improper Fees Paid - Small Entity Previously Established)

**MS 16**  
Director of the U.S. Patent  
and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

April 15, 2004

Sir:

The following documentation and remarks are respectfully submitted in connection with the above-identified application.

Repln. Ref: 05/18/2004 EEKUBAY1 0009434700  
DAB:022448 Name/Number:09914190  
FC: 9204 \$640.00 CR

## **DOCUMENTATION**

Attached hereto is:

- a copy of written assertion of small entity status filed on April 15, 2004; and/or
  - a copy of an executed Statement Claiming Small Entity

Status (37 C.F.R. § 1.9(f) and 1.27( )) - filed on

Adjustment date: 05/18/2004 EEKUBAYI  
03/03/2004 CNGUYEN 0000050 09914190  
01 FC:1401 -330.00 OP  
02 FC:1253 -950.00 OP

05/18/2004 EEKUBAY1 00000002 09914190

01 FC:2401 165.00 OP  
02 FC:2253 475.00 OP

REMARKS

Pursuant to 37 C.F.R. § 1.28(a), applicants hereby request a refund of 50% of the Notice of Appeal and Extension fee paid on February 27, 2004. Small entity status was established prior to payment of this fee by the filing of a written assertion/statement on April 14, 2004.

Under 37 C.F.R. § 1.26(b), any request for a refund which is not based upon subsequent entitlement to small entity status must be filed with a two-year nonextendable time limit.

The Notice of Appeal and Extension fee in the amount of \$1,280.00 was paid on February 27, 2004. It is respectfully requested that the excess fee of \$640.00 be credited to Deposit Account No. 02-2448.

Favorable action on the present Request is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By *Gerald M. Murphy Jr.*  
Gerald M. Murphy Jr., #28,977

P.O. Box 741  
Falls Church, VA 22040-0747  
(703) 205-8000

GMM/KJR:trb  
0760-0294P  
Attachment(s)

(Rev. 02/18/2004)



PATENT ENTITY  
0760-0294P

IN THE U.S. PATENT AND TRADEMARK OFFICE

204 APR 19 PM 3:48

Applicant: Keizaburo MIKI et al. Conf.: 9592  
Appl. No.: 09/914,190 Group: 1632  
Filed: March 20, 2002 Examiner: V. E. BERTOFLIO  
For: TRANSGENIC MOLLUSK AND METHOD FOR  
PRODUCING THE SAME

ASSERTION OF SMALL ENTITY STATUS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

April 15, 2004

Sir:

The above-identified application qualifies for small entity status. This written assertion of small entity status should satisfy the requirements of 37 C.F.R. § 1.27.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

Gerald M. Murphy, Jr., #28,977

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

GMM/KJR:trb  
0760-0294P

Attachment(s)

(Rev. 02/18/2004)